${\tt ESTTA\ Tracking\ number:\ ESTTA22283}$

Filing date: 12/29/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	LA MONTRE HERMES S.A.
Granted to Date of previous extension	01/02/2005
Address	Erlesntrasse 31A2555 Brugg 0, SWITZERLAND

177 177 177 177 177 177 177 177 177 177	Andrew Baum and Jonathan Matkowsky DARBY & DARBY P.C.
Attorney	P.O. BOX 5257
information	NEW YORK, NY 10150-5257
A PARTICULAR PARTICULA	UNITED STATES
Parkiti da	tmdocket@darbylaw.com

Applicant Information

Application No	76423177	Publication date	07/06/2004
Opposition Filing Date	12/29/2004	Opposition Period Ends	01/02/2005
Applicant	M.MARSIAJ & C. S.r.l. Piazza Vittorio Veneto, 8 I-10123 Torino,		

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ITALY	-

Goods/Services Affected by Opposition

Class 014.

All goods and sevices in the class are opposed, namely: (Based on 44(d) Priority Application)) horological and chronometric instruments, namely, clocks, watches, chronographs and chronometers

Attachments	00330569 ndf (3 nages)	difficulty
Attachments	00330307.pdf (3 pages)	Hilbert

Signature	/jdm/
Name	Andrew Baum and Jonathan Matkowsky
Date	12/29/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LA	MONTRE	HERM	ÈS,	S.A.,

Opposer,

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M. MARSIAJ & C. S.r.l.,

Applicant.

Opposition No.	
(S:-1N- 7(1402177)	
(Serial No. 76/423177)	

NOTICE OF OPPOSITION

La Montre Hermès S.A. ("Opposer"), a corporation organized and existing under the laws of France, located and doing business at Erlenstrasse 31A, 2555 Brugg, Switzerland, believes it will be damaged by the registration of the designation SABELT (& design) (the "Mark") as shown in Application Serial No. 76/423177 (the "Application"), for "horological and chronometric instruments, namely, clocks, watches, chronographs and chronometers, in Class 14, filed by M. Marsiaj & C. S.r.l. ("Applicant"), and hereby opposes the same. The Application was published for opposition on July 6, 2004, and Opposer has been granted extensions of the opposition deadline to and including January 2, 2005.

The grounds for opposition are as follows:

parts, watch straps, and watch clasps, in interstate and foreign commerce.

- 2. Opposer is the owner of U.S. Registration No. 2,637,900, filed May 24, 1999 and issued October 22, 2002, covering the mark BELT for use with "timepieces and chronometers, watches and their constituent parts, watch straps, watch clasps," in Class 14 ("Opposer's Goods").
- 3. The entirety of Opposer's BELT mark is incorporated within the word portion of Applicant's Mark, SABELT.
- 4. Applicant's Mark is virtually identical in overall commercial impression, appearance and sound to Opposer's BELT mark, such that the use of the Mark is likely to cause confusion, mistake or deception with Opposer's BELT mark.
- 5. Applicant's Mark and Opposer's BELT mark are confusingly similar, such that consumers are likely be confused, mistaken and deceived into believing that the goods of Applicant are provided, sponsored, licensed or approved by Opposer, that Applicant's and Opposer's goods emanate from the same source and/or that Applicant is in some other fashion connected or associated with Opposer, all to Opposer's injury.
- 6. The goods identified in the Application overlap with and/or are related to Opposer's Goods.
- 7. Registration of the Mark by Applicant is barred by the provisions of 15 U.S.C. § 1052(d), for the reason that it consists of or comprises a mark which so resembles Opposer's BELT mark previously registered in the Patent and Trademark Office, previously used by Opposer and not abandoned, as to be likely, when applied to the goods of Applicant, to cause confusion, mistake or to deceive.

WHEREFORE, Opposer prays that the registration sought by Applicant be refused and that this Opposition be sustained.

This Notice of Opposition is being electronically filed via ESTTA and through the Deposit Account payment method.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York December 29, 2004

Andrew Baum
Jonathan Matkowsky

P.O. Box 5257 New York, New York 10150-5257 (212) 527-7629

Attorneys for Opposer La Montre Hermès S.A.